

Receipt date: 05/20/2003



Docket No. 13282-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Clarke

Group Art Unit 1761

Serial No.: 09/989,682

Filing Date: November 20, 2001

Title: Packaging of Respiring Biological Materials

Assistant Commissioner for Patents
Washington, DC 20231

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GROUP 1700

DISCLOSURE UNDER 37 CFR 1.56

Sir:

In fulfilling the duty of candor and good faith, the documents listed on the attached PTO-1449 (two copies) are disclosed to the Office in accordance with 37 CFR § 1.56. It should be noted the word "prior" has been deleted from the attached PTO-1449. It is not admitted that the information in the listed documents is material to patentability as defined in 37 CFR § 1.56(b) or that the documents are analogous art. The Examiner is asked to consider these documents, and to confirm such consideration by returning an initialed and signed copy of the PTO-1449.

The documents listed on the attached PTO-1449 were cited in a Search Report issued by the European Patent Office on International Application No. PCT/US 02/37199, which is a foreign counterpart of this application. A copy of that Search Report is attached. The Examiner will see that the Search Report also lists the following documents which have already been cited to the Office in this application.

U.S. Patent No. 5, 916, 614

U.S. Patent No. 5, 460, 841

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231
On May 13, 2003

Typed name of person signing this certificate: T. H. P. Richardson

Signature

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.W.

U.S. Patent No. 3,450, 544

U.S. Patent No. 5,658,607

U.S. Patent No. 3,450, 542

U.S. Patent No. 3,798,333

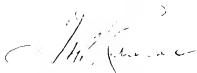
In addition, the Search Report lists U.S. Publication Nos. US 02/090425 and 2002/127305, which are the publications of this application and the parent application Serial No. 09/858,190. Since these Publications cannot be prior art to this application, they are not listed on the attached PTO-1449.

Copies of all the documents listed on the attached PTO 1449 were previously submitted to the Office as part of an Information Disclosure Statement complying with 37 CFR 1.98 (a) through (c) in prior application Serial No. 09/858,190, which is relied on for an earlier effective filing date under 35 USC 120. Therefore, copies of the documents listed on the attached PTO-1449 are not attached, because 37 CFR 1.98(d) states that copies of such document(s) need not be provided.

Applicant believes that because this Disclosure Statement is being submitted before the first Office Action on the merits, no fee is due. If this is incorrect, please charge any necessary fee for consideration of this Disclosure Statement to Deposit Account No. 19-2090 (Sheldon & Mak).

It is believed that this Disclosure complies with the requirements of 37 CFR 1.56 and the MPEP. If for some reason the Examiner thinks otherwise, he is asked to call the undersigned so that any deficiencies can be remedied.


Respectfully submitted,



T.H.P. Richardson

Reg. No. 28,805

Tel. No. 650-854-6304

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|---|--|-------------------------------------|----------------------------------|
| FORM PTO-1449 (Rev 8/83) | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | Atty. Docket No.: 13282-2 | Appl'n No.: 09/989,682 |
|  <p>INFORMATION DISCLOSURE STATEMENT</p> <p>(Use several sheets if necessary)</p> | | Applicant: Clarke | |
| | | Filing Date: Nov 20, 2001 | Group: 1761 |

US PATENT DOCUMENTS

| initial | Document number | Date | Name | Class | Sub-class | Filing date (if appropriate) |
|---------|-----------------|------|------------------|-------|-----------|------------------------------|
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| | 3,681,092 | 8/72 | Titchenal et al. | 99 | 174 | |
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| | 5,711,978 | 1/98 | Breen et al. | 426 | 129 | |
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FOREIGN PATENT DOCUMENTS

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|----------------|-----------------|----------|-------------------|-------|-----------|--------------------------|
| | W0 95/00030 | 01/05/95 | PCT international | A 23B | 7/148 | |
| | | | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

| Exr. initial | Details of Document | Translation enclosed (?) |
|--------------|---------------------|--------------------------|
| | | |

To

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| Examiner's signature | /Steven Weinstein/ | Date considered | 05/22/2009 |
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- EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.